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12 **UNITED STATES DISTRICT COURT**  
13 **DISTRICT OF NEVADA**

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15 MARY JANE BEAUREGARD, and JOHN  
16 HUGH SMITH,

17 CASE NO.: 2:20-cv-02123-KJD-DJA

18 Plaintiffs,

19 vs.

20 CLAYTON SAMPSON, an individual,  
21 ELISHA SAMPSON, an individual, et. al.

22 Defendants.

23  
24 **DEFENDANTS' UNOPPOSED MOTION TO CONTINUE PUNITIVE DAMAGES**  
25 **HEARING BRIEFING**

## POINTS AND AUTHORITIES

On February 24, 2025, this Court set held a punitive damages hearing. (See ECF No. 180 (minutes).) At the end of the hearing, the Court directed concurrent briefing on the punitive damages hearing. That concurrent briefing is due on March 28, 2025.

Counsel for the Defendants is requesting that this Court set the concurrent briefing date for Monday, March 31, 2025. The reason for this request is that the office has another major filing due on Friday March 28, 2025, that, while it is largely completed, has proven to present technical difficulties that are delaying that filing. To ensure that these difficulties do not prevent a timely filing in the instant matter, counsel for the Defendants is respectfully asking for a continuance to Monday, March 31, 2025, for both parties to file their simultaneous briefs.

Counsel for the defense contacted counsel for the Plaintiffs. The Plaintiffs do not object to this request. The Defendants thank the Plaintiffs for this extension of professional courtesy.

Defendants respectfully submit there is good cause to grant this request for an extension. A court has inherent power to control its own docket to ensure that cases proceed in a timely and orderly matter. *Cf. Clinton v. Jones*, 520 U.S. 681, 705 (1997) (explaining that a court is vested with broad discretion to stay a civil proceeding). Continuing pretrial and trial dates is within the discretion of the trial judge. *See King v. State of California*, 784 F.2d 910, 912 (9th Cir. 1986); *Rios-Barrios v. I.N.S.*, 776 F.2d 859, 862-63 (9th Cir. 1985). Further, case schedules may be modified for "good cause." Fed. R. Civ. P. 16(b)(4).

"The central inquiry under Fed. R. Civ. P. 16(b)(4) is whether the requesting party was diligent." *DRK Photo v. McGraw-Hill Glob. Educ. Holdings, LLC*, 870 F.3d 978, 989 (9th Cir. 2017). "Although the existence or degree of prejudice to the party opposing the modification might supply additional reasons to deny a motion, the focus of the inquiry is upon the moving party's reasons for seeking modification." *Johnson v. Mammoth*

1 *Recreations, Inc.*, 975 F.2d 604, 609 (9th Cir. 1992). "If that party was not diligent, the  
2 inquiry should end." *Id.*

3 Counsel for the Defendants has been diligent in preparing the post-hearing  
4 briefing by ensuring the transcript of the February 11, 2025 hearing was ordered in a  
5 timely manner and ready for filing. Additionally, counsel has endeavored to track  
6 down the discovery chain in the case, where current counsel came on board after this  
7 matter's bench trial, in an attempt to determine what documents, if any, should have  
8 been produced to the Plaintiff earlier in the proceedings.

9 Allowing the defense a one-court day continuance will also ensure that counsel  
10 has adequate time to confer with the Defendants, who live in California, over the  
11 weekend to ensure that the filing is factually accurate regarding their current financial  
12 and professional situation.

13 Because of press of business and other scheduling conflicts, and technical  
14 difficulties the defense has experienced with large filings recently, defendants Clayton  
15 and Elisha Sampson respectfully request, in this unopposed motion, that this Court  
16 allow both parties to file their post-punitive damages hearing briefs on Monday, March  
17 31, 2025.

18 DATED this 27<sup>th</sup> Day of March, 2025.

19 Respectfully submitted,

20 /s/ Jason F. Carr  
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It is so Ordered:  
Dated: 3/27/2025

  
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United States District Court Judge